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REMARKS

The above-identified Office Action has been reviewed, the applied reference carefully considered, and the Examiner's comments carefully weighed. In this regard, the Examiner's withdrawal of Claims 5-8 and 13-16 and Applicants' election of Species I, Claims 1-4 and 9-12 are confirmed; Claims 1, 2, and 9-12 are canceled without prejudice; and Claim 3 has been amended. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. 112 and 35 U.S.C. 101

Grounds for Rejection:

According to the Office Action, Claims 9-12 are rejected as failing to comply with the enablement requirement of Section 112 and further as being directed to non-statutory matter under Section 101.

Applicants' Response:

Applicants have canceled without prejudice Claims 9 through 12. Accordingly, Applicants courteously submit the aforesaid grounds for rejection are now moot.

Rejection under 35 U.S.C. 102

Grounds for Rejection:

According to the Office Action, Claims 1 and 2 are rejected as being anticipated by Kerns et al.

Applicants' Response:

According to the Office Action, Claims 3 and 4 are indicated as being allowable if rewritten in independent form, inclusive of all intervening claims (i.e., Claims 1 and 2). Applicants have amended Claim 3 to include all the limitations of intervening Claims 1 and 2, albeit the term "algorithmically predicting" was amended to recite "predicting".

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In view of the present amendment and the foregoing remarks, Applicants respectfully request the Examiner to withdraw the rejection under 35 U.S.C. 102 as regards amended base Claim 3, and, under the principle that dependent claims merely further define their respective base claims, that the rejection be withdrawn as regards Claim 4.

Conclusion

It is respectfully submitted that Applicants have responded in a fully satisfactory manner to all matters at issue in this application, and that this application is now in condition for immediate allowance. In this regard, Applicants have made every effort to comply with the requirements set forth in the Office Action as well as the statutory requirements. Accordingly, Applicants respectfully request that the Examiner enter this amendment, allow the claims, and pass this application on to issue.

Respectfully submitted,



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